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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,304	03/31/2004	Jason M. Mayeroff	MAYEROFF04-01	7276

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EXAMINER

TORIMIRO, ADETOKUNBO OLUSEGUN

ART UNIT	PAPER NUMBER
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3714

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/815,304	Applicant(s) MAYEROFF, JASON M.	
	Examiner ADETOKUNBO O. TORIMIRO	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment received on 03/02/2009 has been considered. It has been noted that claims 19,20,23,24,26,29-32,35-40,42,45-48,51-56, and 58 have been amended.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 19,21-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demar et al (US 6,203,429) in view of Boyd et al (US 2004/0092315).

Re claims 19,21-24,29-31,33-35,41,45-47,49-51, and 57: Demar et al discloses a device comprising a computer processor adapted to conduct a base game (**see fig.1; col.4, lines 63-67 and col.5, lines 1-6**); and a bonus selection apparatus in communication with said computer processor, said bonus selection apparatus including at least one surface display element adapted to display a changeable bonus award amount in response to the selection of a changeable bonus award amount by said computer processor; wherein said bonus selection apparatus is fixed and includes a plurality of said surface display elements disposed on said bonus selection apparatus; wherein said bonus selection apparatus comprises a video display adapted to depict an object with said bonus award amounts arranged on the surface of; wherein said base game includes game symbols positioned on a player-selected quantity of pay lines, wherein said computer processor is

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adapted to select said bonus award amount based, at least in part, on the quantity of pay lines selected for play in the base game; wherein said base game includes game symbols positioned on pay lines and said player selects the amount wagered on at least one of said pay lines, wherein said computer processor is adapted to select said bonus award amount based, at least in part, on the amount wagered on at least one pay line played in the base game **(see col.5, lines 21-48 and col.6, lines 24-29)**.

Boyd et al further teaches and discloses a device with computer processor designed to populate / *activate and display* said bonus selection populate said bonus selection apparatus with at least one bonus award amount by identifying at least one bonus award amount for display on said bonus selection apparatus and displaying said at least one identified bonus award amount on said changeable surface display element in response to the identification of said at least one bonus award amount by said computer processor; and conduct a bonus feature in response to a bonus trigger condition / *which is the first criteria required in the bonus game rule of Boyd et al* detected by said computer processor by controlling said bonus selection apparatus to select at least one bonus award amount from among said at least one bonus award amount displayed on said bonus selection apparatus **(see abstract; figs.13-16; pars.[0007] and [0060])**.

Therefore it would have been obvious to one of ordinary skill in the art at the time invention was made to incorporate the bonus selection of Boyd et al into the invention of Demar et al. One would be motivated to do this so as to have a game system with a bonus feature where the bonus game can be configured with various payout awards and amounts based on specific criteria associated with the game as selected by the player,

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thereby providing satisfaction and increasing enjoyment to the users of the gaming system.

Re claims 25-28,32,36-40,42-44,48,52-56, and 58-60: Demar et al discloses wherein said bonus selection apparatus is adapted to change the display of said bonus award amount during the course of said base game; wherein said computer processor is programmed to conduct a series of games and display a bonus game based on a trigger of a bonus symbol / *such as bonus award amount* during the play of the base game (**see abstract**); wherein said bonus selection apparatus is adapted to change the display of said bonus award amount between base games; wherein said bonus selection apparatus is adapted to change the display of said bonus award amount during the course of said base game; wherein said base game produces at least one outcome, wherein said computer processor is adapted to select said bonus award amount based, at least in part, on an outcome of the base game (**see col.15, lines 11-65**).

4. Claims 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demar et al (US 6,203,429) in view of Boyd et al (US 2004/0092315) and further in view of Adams (US 6,089,978). The teachings of Demar et al and Boyd et al have been discussed above.

Re claims 20: Demar et al teaches a device comprising a bonus selection apparatus.

However, Demar et al does not explicitly teach wherein said bonus selection apparatus is rotatable about an axis and includes a plurality of said surface display

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elements disposed on said bonus selection apparatus such that different bonus award amounts are visible as said bonus selection apparatus rotates.

Adams teaches wherein said bonus selection apparatus is rotatable about an axis and includes a plurality of said surface display elements disposed on said bonus selection apparatus such that different bonus award amounts are visible as said bonus selection apparatus rotates (**see col.2, lines 39-42**); bonus selection is adapted to be selected from at least one bonus award by rotating said surface display element (**see abstract**). Further examiner points out that the bonus outcomes being displayed on the reels of the Demar gaming machine, also teaches the feature of rotating bonus selection display.

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a wheel device and a driver for rotating the wheel device at the bonus selection so as to provide the game player with various options which can be displayed on the rotating wheel, and also to provide a sense of realism to the game; and to include a simulation of ball so has introduce variety into the game, hence increasing player enjoyment of the game.

Response to Arguments

5. Applicant's amendments filed 03/02/2009 have been fully considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., changeable bonus award amounts) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

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are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nierderlein et al discloses a coin-operated entertainment machine; Vancura teaches methods for a customized casino game.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adetokunbo O. Torimiro whose telephone number is (571) 270-1345. The examiner can normally be reached on Mon-Fri (8am - 4pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hotaling can be reached on (571) 272-4437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/A. O. T./

Examiner, Art Unit 3714

/John M Hotaling II/

Supervisory Patent Examiner, Art Unit 3714